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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,261	06/16/2006	Arne Simonsson	4147-173	9086
23117	7590	03/17/2009	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			BALAOING, ARIEL A	
ART UNIT	PAPER NUMBER			
	2617			
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03/17/2009	PAPER			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Continuation of 3:** NOTE: Amendments to claim 1 include limitations not previously searched and would therefore require further consideration and/or search.

**Continuation of 11:**

1. Applicant's arguments filed 03/03/2009 have been fully considered but they are not persuasive.

Regarding the applicant's arguments that: "*a main difference between Vadgama and the present disclosure is that Vadgama concerns site or cell selection. In other words, Vadgama discloses methods of selecting a cell or site within one radio access network. In contrast, Applicants select a radio access network from a plurality of available radio access networks*" (see page 10 of the remarks); the examiner respectfully disagrees. As seen in the preamble of the independent claims, the term "**each access network**" refers to "**one or more access network**" and not a plurality of access networks (i.e. two or more networks). Therefore determining an access node from a single network of Vadgama, would be consistent with the wording of the claims.

Furthermore the applicant argues: "*In the above regard, Applicants further request that the term "bit error rate" of Vadgama not be confused with the term "bitrate" as used in Applicants' claims. The bit rate is a measure of the number of bits that are conveyed or processed per unit of time. In contrast, the bit error rate or BER is the ratio of number of bits incorrectly received to a total number of bits. Consequently, the bit error rate mentioned in Vadgama is not relevant to Applicants' bitrate.*" (see page 11 of the remarks); the examiner respectfully disagrees. The term bitrate is applicable to any

parameter that effects the data flow between a system and therefore a bit error rate is seen as a bit rate. Furthermore Vadgama further discloses the bit rate as argued. For example, paragraph 87-91, wherein congestion parameters can include a bit rate of each measured downlink channel.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARIEL BALAOING whose telephone number is (571)272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Paul Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/

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Supervisory Patent Examiner, Art Unit 2617

Examiner, Art Unit 2617

/A. B./  
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